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12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

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18 UNITED STATES OF AMERICA, Plaintiff,
19 v.
20 HUU TIEU, Defendant.

21 CASE NO. 1:20-CR-00109-ADA-BAM
22 STIPULATION REGARDING EXCLUDABLE
23 TIME PERIODS UNDER SPEEDY TRIAL ACT;
24 FINDINGS AND ORDER
25
26 DATE: March 8, 2023
27 TIME: 1:00 p.m.
28 COURT: Barbara A. McAuliffe

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31 STIPULATION

32 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
33 through defendants' counsel of record, hereby stipulate as follows:

34 1. By previous order, this matter was set for status on March 8, 2023.

35 2. By this stipulation, defendants now move to vacate the status conference and set the case
36 for trial starting on February 27, 2024 with a trial confirmation hearing on February 5, 2024, and to
37 exclude time between March 8, 2023, and February 27, 2024, under Local Code T4.

38 3. The parties agree and stipulate, and request that the Court find the following:

39 a) The government has represented that the discovery associated with this case
40 includes investigative reports, recordings, electronic evidence, and other documents that exceeds
41 23,772 pages. All of this discovery has been either produced directly to counsel and/or made
42 available for inspection and copying.

b) Counsel for defendant desires this additional time to conduct investigation and research related to the charges, to review discovery for this matter, and to prepare for trial.

c) Counsel for defendant believes that failure to grant the above-requested exclusion would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) Based on the above-stated findings, the ends of justice served by setting the case for trial as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act.

e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of March 8, 2023 to February 27, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: February 28, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ **ALEXANDRE DEMPSEY**
ALEXANDRE DEMPSEY
Assistant United States Attorney

Dated: February 28, 2023

/s/ JOHN GARLAND
JOHN GARLAND
Counsel for Defendant
HUU TIEU

ORDER

IT IS SO ORDERED that the status conference set for March 8, 2023, is vacated. A jury trial is set for **February 27, 2024, at 8:30 a.m. before District Judge Ana de Alba**. Estimated time of trial is **8 days**. A trial confirmation is set for **February 5, 2024, at 8:30 a.m. before District Judge Ana de Alba**. Time is excluded through trial pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: March 1, 2023

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE